

**UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA**

CARLOS RUIZ,

Plaintiff,

vs.

BRIAN E. WILLIAMS, et al.,

Defendants.

2:14-cv-00412-JAD-CWH

**ORDER**

Presently before the Court is Defendants' Motion for Extension of Time to File Motion for Summary Judgment (ECF No. 30), filed on February 12, 2016. Defendants request to extend the deadline for filing motions for summary judgment, which was February 17, 2016, by 30 days. Plaintiff did not respond to the motion.

Defendants filed this motion five days before the dispositive motions deadline in contravention of Local Rule 26-4, which requires all motions or stipulations to extend deadlines to be filed 21 days before the expiration of the subject deadline. Defendants acknowledge that they were aware of the impending dispositive motions deadline and that they were working on compiling records and obtaining declarations. However, Defendants argue that excusable neglect exists for their failure to timely file the motion because a deputy attorney general departed from the Office of the Attorney General, resulting in the distribution of several active cases with immediate deadlines to Defendants' counsel. Defendants also argue that their counsel has a significant number of cases in various stages of litigation.

In evaluating excusable neglect, the Court considers: (1) the reason for the delay and whether it was in the reasonable control of the moving party, (2) whether the moving party acted in good faith, (3) the length of the delay and its potential impact on the proceedings, and (4) the

1 danger of prejudice to the nonmoving party. *Pioneer Inv. Servs. Co. v. Brunswick Assocs.*, 507  
2 U.S. 380, 395 (1993); *Comm. for Idaho's High Desert, Inc. v. Yost*, 92 F.3d 814, 825 n.4 (9th Cir.  
3 1996).

4 Here, the Court finds that Defendants do not demonstrate excusable neglect for their failure  
5 to timely file the motion. Although Defendants' counsel's declaration states that active cases with  
6 immediate deadlines were assigned to her, she does not provide any specifics regarding when the  
7 cases were assigned to her or when the immediate deadlines were. Without this information, it is  
8 impossible for the Court to evaluate whether Defendants' failure to timely file the motion to extend  
9 was in Defendants' reasonable control or whether Defendants acted in good faith in requesting the  
10 extension. The Court also notes that this is Defendants' second request to extend the dispositive  
11 motions deadline in this case and that the previous motion also was untimely. Regardless, the  
12 Court will grant the motion given that Plaintiff does not oppose the motion, that it will result in  
13 only a 30-day delay in the case, and that Plaintiff will not be prejudiced by the extension because it  
14 also will afford Plaintiff additional time to file a dispositive motion. Defendants' counsel is  
15 advised that any future motions to extend the deadlines in this case must be filed 21 days before the  
16 expiration of the subject deadline.

17 IT IS THEREFORE ORDERED that Defendants' Motion for Extension of Time to File  
18 Motion for Summary Judgment (ECF No. 30) is GRANTED.

19 IT IS FURTHER ORDERED that the dispositive motions deadline is extended to April 6,  
20 2016.

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22 DATED: March 7, 2016

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26 C.W. HOFFMAN, JR.  
27 UNITED STATES MAGISTRATE JUDGE  
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